IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 587 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GHANSHYAM MOTILAL PANDYA

Versus

CHANDRABEN MOTILAL PANDYA

Appearance:

MS KJ BRAHMBHATT for Petitioners

MR DIVYESH SEJPAL for Respondent No. 1

NOTICE SERVED for Respondent No. 2

PUBLIC PROSECUTOR for Respondent No. 4

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 21/06/2000

ORAL JUDGEMENT

Rule. Learned Advocate Mr. Sejpal waives service of rule on behalf of the respondents nos.1, 2 and

3. Learned A.P.P. Mr. S.T. Mehta waives service on behalf of the respondent no.4.

1. The petitioners who are the sons of the respondent no.1-Chandraben Motilal has filed the present Revision Application to challenge the judgment and order dated 28-9-1999 passed by the learned Judicial Magistrate First Class, Anjar, District Bhuj in the proceedings of Criminal Misc. Application no.24/98.

1.1 That vide impugned judgment and order the present petitioners alongwith the respondent no.2 and 3 were ordered to pay Rs.100/- each to the respondent no.1 by way of maintenance from the date of application and were also ordered to pay costs quantified at Rs.300/-.

2. Learned Advocate for the petitioner has taken me through the impugned order and has contended that the petitioner no.1 has retired from the service and is getting only his pension. That the petitioners nos.1, 2 and 3 are ready and willing to keep the respondent no.1 with them and maintain her. However, on account of dogmatic approach of the respondent no.1 no settlement could take place. That in the present days of spiralling prices of essential commodities, it is difficult for the present petitioner to make payment of maintenance as per the impugned order to the respondent no.1 though they can maintain the respondent no.1 in a better way by keeping her with them. On perusal of the judgment, I do not find any illegality or perverse approach in passing the impugned order. In that view of the matter, no interference of this Court is warranted.

2.1 The trial Court is directed to disburse the amount deposited by the petitioner in Court payable to the respondent no.1.

3. In the result, the petition fails and stands disposed of as rejected. In the facts of the case, no order as to costs. Rule is discharged accordingly.

(A.K.Trivedi,J.)

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